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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,572	07/13/2001	John Aram Safa	SWIN 2276	2844
7812	7590	03/09/2006	EXAMINER	
SMITH-HILL AND BEDELL, P.C. 16100 NW CORNELL ROAD, SUITE 220 BEAVERTON, OR 97006			JUNG, DAVID YIUK	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/905,572	<b>Applicant(s)</b> SAFA	
	<b>Examiner</b> David Y. Jung	<b>Art Unit</b> 2134	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 66-102 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 66-102 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/01;6/04;1/05;12</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-65 are cancelled.

Claims 66-102 are newly presented.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

In general, such as at the second full paragraph of page 13 of the amendment, Applicant argued that the prior registration is not necessary for the claimed invention. In particular, in the particular case of claim 66, this refers to the limitation of the first computer arrangement being arranged to "receive fingerprint software from the second computer arrangement." Upon a careful consideration, the Office has decided that this is taught by UK Patent Application GB 2355322A (cited by Applicant, hereinafter "Wray"). Please see the rejection of claim 66 in the rejections section of this Office Action. The other claims also have analogous limitations and are rejected in analogous fashions in this regard. Please see the rejections section.

Applicant is requested to amend, explain away, or take other proper action.

### **CLAIM REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 66-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent 5,793,027 (cited by applicant, hereinafter "Waegener") and WO 9844402 (cited by Applicant, hereinafter "Bramhill") and UK Patent Application GB 2355322A (cited by Applicant, hereinafter "Wray").

Regarding claim 1, Waegener teaches "A network system comprising a first computer arrangement and a second computer arrangement connected by a computer network, the second computer arrangement storing data and fingerprint software,

wherein the first computer arrangement is programmed to:

transmit a request for data to the second computer arrangement;

...

execute the fingerprint software, wherein execution of the fingerprint software creates fingerprint data that is ...to the first computer arrangement and transmits the fingerprint data to the second computer arrangement; and

receive the requested data from the second computer arrangement, and wherein the second computer arrangement is programmed to:

receive a request for data from the first computer arrangement;

transmit the fingerprint software to the first computer arrangement in response to receiving the request;

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receive fingerprint data from the first computer arrangement, the fingerprint data being ... to the first computer arrangement; and

transmit the requested data to the first computer arrangement in response to receiving the fingerprint data (column 3, lines 37-58; column 4 lines 9-22; column 4 line 10 to column 4, line 8; column 6, line 44 to column 7, line 17)."

These passages of Waegener do not teach that the fingerprint data be "substantially unique" to the first computer in the sense of the claim.

Bramhill teaches such "substantially unique" nature (page 4, lines 15-29) for the motivation of greater security and identification (page 4, lines 15-20)..

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine teachings of Waegener and Bramhill for the motivation noted in the previous paragraphs so as to teach the cited portions of the claimed invention.

These passages of Waegener do not teach that the first computer arrangement "receive fingerprint software from the second computer arrangement" in the sense of the claim.

Wray teaches that the first computer arrangement "receive fingerprint software from the second computer arrangement (Figure 8, step 200, and its attendant explanation in the specification)" for the motivation of positive client identification (page 16, the first full paragraph, i.e., the combining a key from the host with the system signature). This receiving step 200 of Wray and the setup step 400 (Figure 12) of Wray teaches such "receive fingerprint software from the second computer arrangement."

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These steps cannot be considered prior registration because these steps require a further key generation and because these steps are not sufficient for complete authorization (which would have resulted from a registration).

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine teachings of Waegener and Bramhill and Wray for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claims 76, 81, 90, 98, 102, these claims are analogous to claim 66 and use different, but well known hardware to actuate the claimed inventions.

Regarding claims 67, 77, 92, 91, 99, Bramhill teaches such "unique" nature (page 4, lines 15-29) for the motivation of greater security and identification (page 4, lines 15-20). Regarding claim 68-75, such particular features are well known in the art for the purpose of handling information across computers and for the purpose of security. Regarding claims 78-80, 83-89, 92-97, 99-101, these claims are analogous to claims 68-75. Such particular features are well known in the art for the purpose of handling information across computers and for the purpose of security. See, for instance, Waegener at column 3, lines 37-58; column 4 lines 9-22; column 4 line 10 to column 4, line 8; column 6, line 44 to column 7, line 17.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

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(571) 273-8300, (for formal communications intended for entry)

**Or:**

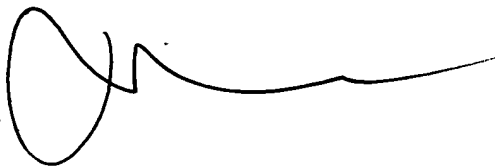
(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Greg Morse whose telephone number is (571) 272-3838.

David Jung

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Patent Examiner

A handwritten signature in black ink, consisting of a large, stylized loop followed by a series of connected, wavy horizontal strokes.

3/6/06